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(734) 913-9300  
FACSIMILE (734) 913-6007  
jposa@patlaw.com  
dwathen@patlaw.com

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**FACSIMILE TRANSMISSION**

**DATE:** February 13, 2004

**TO:** PTO

**FACSIMILE NO.:** 703-872-9306

**FROM:** John Posa / Sheryl

**PAGES TRANSMITTED (INCLUDING COVER SHEET):** 4

**ORIGINAL DOCUMENTS WILL        / WILL NOT       X       FOLLOW BY MAIL**

**RE:** SN 09/829,033

**MESSAGE:**

After speaking with Examiner H. Sawhney who stated that the attached Response was not of record in the PTO's system, attached is the Response filed October 16, 2003, as evidenced by the PTO date-stamped postcard. Please put the Response into the system for viewing by Examiner Sawhney.

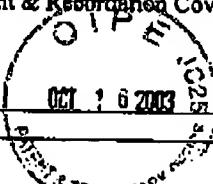
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## PATENT

The received stamp of the U.S. Patent and Trademark Office imprinted hereon acknowledges the filing of:

Transmittal Letter       New Patent Application  
 Page(s) Specifications       Page(s) Claims  
 Page(s) Abstract       Sheets of Drawings  
 Small Entity Declaration       Declaration & Power of Atty  
 IDS, PTO 1449 & Patents       Assignment & Recordation Cover Sheet  
 Amendment/Response       Check \_\_\_\_\_

Other: \_\_\_\_\_



SLH

Inventor: Venegas Jr.

Serial/Reg. No. 09/899,033 Atty Docket No. IDS-14302/14

Date: 10-14-03

Date Due: 10-14-03

Cert. Of Mailing/Express Mail

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re application of: Venegas, Jr.****Serial No.: 09/829,033****Group No.: 2875****Filed: April 9, 2001****Examiner: Sawhney****For: LIGHTED STANCHION COVER****CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the attached correspondence comprising:

Response to Office Action  
Postcard

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop NON FEE RESPONSE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

On Oct. 14, 2003.

  
\_\_\_\_\_  
Sheryl L. Hammer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Venegas, Jr.

Serial No.: 09/829,033

Group No.: 2875

Filed: April 9, 2001

Examiner: Sawhney

For: **LIGHTED STANCHION COVER**

**RESPONSE TO OFFICE ACTION**

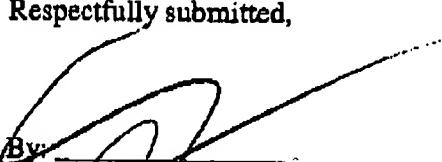
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed July 14, 2003, the claims of this application are being resubmitted once again in unamended form for further prosecution. Applicant had intended for this matter to be resolved by the Board of Appeals, but the Examiner did not allow that to happen, choosing instead to reject claims 7 and 8 under 35 U.S.C. §103(a) over Moore ('307) in view of Morse, Jr. ('924). Other than that, all of the other rejections are identical to the ones prior to Applicant's notice of appeal, and Applicant rests on all of the arguments previously made of record with regard to those claims. With regard to claims 7 and 8, although Morse, Jr. resides in a sign-making stencil method, it is entirely unrelated to a lighted stanchion. There being no teaching or suggestion from the prior art as to the Moore/Morse, Jr. combination, *prima facie* obviousness clearly has not been established.

Respectfully submitted,

By:

  
John G. Dosa  
Reg. No. 37,424  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Cikowski, PC  
280 N. Old Woodward Ave., Ste 400  
Birmingham, MI 48009  
(734) 913-9300 FAX (734) 913-6007

Date: Oct. 14, 2003